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OFFICE OF PETITIONS

In re Application of
Marie Lapalme
Application No. 09/642,052
Filed: August 8, 2000
Attorney Docket No. 2425-1-1

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 31, 2005, to revive the above-identified application.

The petition is **GRANTED**.


The above-identified application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 1.17(c)) within the time period provided in 37 CFR 1.192(a). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed June 10, 2004, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.192(b) & 1.197(c). As no claim was allowed, the above-identified application became abandoned on June 12, 2004. See MPEP 1215.04.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the three (3) extensions of time submitted on October 8, 2004, February 2, 2005 and May 31, 2005 was subsequent to the maximum extendable period for reply, these fees are unnecessary and will be credited to petitioner's deposit account.

Office record show the filing of a brief in support of an appeal was repeatedly charged on February 2, 2005 and May 31, 2005. These fees will also be credited to petitioner's deposit account. The Office sincerely apologizes for any inconvenience caused petitioner in this matter.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2613 for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions